

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

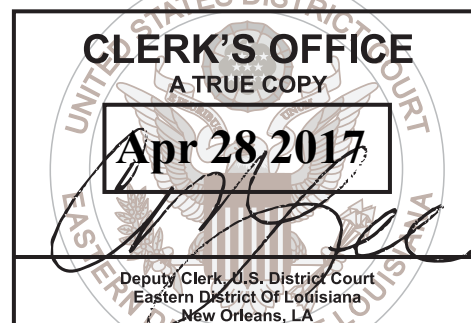
MDL No. 2740

TRANSFER ORDER

Before the Panel: Plaintiffs in the 88 actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring their actions to MDL No. 2740. Defendant Sanofi-Aventis U.S., LLC (Sanofi) opposes the motions to vacate.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions transferred to MDL No. 2740, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that these actions share questions of fact with MDL No. 2740. Like many of the already-centralized actions, they involve factual questions arising from allegations that Taxotere (docetaxel), a chemotherapy drug, causes permanent hair loss, that defendants were aware of this possible side effect and failed to warn patients, and that defendants marketed Taxotere as more effective than other chemotherapy drugs when other drugs were equally effective without the associated permanent hair loss. *See In re: Taxotere (Docetaxel) Prods. Liab. Litig.*, MDL No. 2740, ___ F. Supp. 3d ___, 2016 WL 5845996 (J.P.M.L. Oct. 4, 2016).

In support of the motions to vacate, plaintiffs argue that federal subject matter jurisdiction is lacking, and plaintiffs' motions to remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.¹ *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

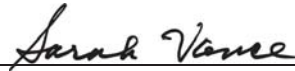


¹ Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Kurt D. Engelhardt for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance", positioned above a horizontal line.

Sarah S. Vance

Chair

Marjorie O. Rendell

Lewis A. Kaplan

R. David Proctor

Charles R. Breyer

Ellen Segal Huvelle

Catherine D. Perry

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2740

SCHEDULE A

Central District of California

- 17-cv-3864 - N(5) CASTAGNOLA v. SANOFI S.A., ET AL., C.A. No. 2:16-09434
17-cv-3865 - N(5) GARDNER v. SANOFI S.A., ET AL., C.A. No. 2:16-09471

Northern District of California

- 17-cv-3866 - N(5) JENKINS v. SANOFI S.A., ET AL., C.A. No. 3:16-07306
17-cv-3867 - N(5) ERNYES-KOFLER, ET AL. v. SANOFI S.A., ET AL., C.A. No. 5:16-07307

District of Delaware

- 17-cv-3870 - N(5) ANTHONY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01179
17-cv-3871 - N(5) ALLEN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01180
17-cv-3893 - N(5) ARRINGTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01183
17-cv-3894 - N(5) AUSTIN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01187
17-cv-3895 - N(5) BLUNT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01188
17-cv-3896 - N(5) BROOKS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01189
17-cv-3897 - N(5) BROOKS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01190
17-cv-3898 - N(5) BROWN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01191
17-cv-3899 - N(5) BROWN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01192
17-cv-3901 - N(5) BRYANT, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01193
17-cv-3904 - N(5) CARLISLE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01195
17-cv-3905 - N(5) CHAPMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01197
17-cv-3906 - N(5) CHAPPELL v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01198
17-cv-3907 - N(5) CLARK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01199
17-cv-3908 - N(5) COLEMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01200
17-cv-3909 - N(5) COOK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01201
17-cv-3910 - N(5) CROSS, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01202
17-cv-3911 - N(5) DARDEN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01207
17-cv-3912 - N(5) DAVIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01208
17-cv-3914 - N(5) DAVIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01209
17-cv-3915 - N(5) DOBSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01210
17-cv-3916 - N(5) DUNCAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01211
17-cv-3917 - N(5) FAIR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01212
17-cv-3918 - N(5) FLUELLEN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01213
17-cv-3919 - N(5) FLYNSMITH, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL.,
C.A. No. 1:16-01214

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MDL No. 2740 Schedule A ContinuedDistrict of Delaware (Cont.)

17-cv-3930 - N(5) FORD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01215
 17-cv-3932 - N(5) FREEMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01216
 17-cv-3933 - N(5) GARRETT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01219
 17-cv-3934 - N(5) GILLIAM v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01223
 17-cv-3935 - N(5) HAMPTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01225
 17-cv-3936 - N(5) ZANDERS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01226
 17-cv-3937 - N(5) GOGGANS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01227
 17-cv-3938 - N(5) HARMON, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01230
 17-cv-3939 - N(5) HAYNES v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01231
 17-cv-3941 - N(5) HAYWOOD v. SANOFI-AVENTIS U.S. LLC, C.A. No. 1:16-01234
 17-cv-3946 - N(5) HORTON v. SANOFI-AVENTIS U.S. LLC, C.A. No. 1:16-01235
 17-cv-3947 - N(5) YOUNGBLOOD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01237
 17-cv-3948 - N(5) WILSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01238
 17-cv-3949 - N(5) HOWARD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01241
 17-cv-3950 - N(5) HYMES, ET AL. v. SANOFI U.S. SERVICES INC., ET AL., C.A. No. 1:16-01242
 17-cv-3951 - N(5) WILLIAMS, ET AL. v. SANOFI U.S. SERVICES INC., ET AL., C.A. No. 1:16-01244
 17-cv-3952 - N(5) YOUNG v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01245
 17-cv-3953 - N(5) JACKSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01246
 17-cv-3954 - N(5) KNIGHTEN ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01247
 17-cv-3955 - N(5) YOUNG v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01248
 17-cv-3959 - N(5) RODGERS, ET AL., v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01249
 17-cv-3960 - N(5) WASHINGTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01250
 17-cv-3962 - N(5) LAMB v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01251
 17-cv-3963 - N(5) WARREN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01252
 17-cv-3964 - N(5) WALKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01253
 17-cv-3965 - N(5) LEWIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01256
 17-cv-3967 - N(5) ROBINSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01257
 17-cv-3968 - N(5) LIVINGS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01258
 17-cv-3969 - N(5) RAY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01259
 17-cv-3970 - N(5) WALKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01260
 17-cv-3973 - N(5) LYLES v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01261
 17-cv-3974 - N(5) PAYTON, ET AL., v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01262
 17-cv-3975 - N(5) WALKER, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01263
 17-cv-3976 - N(5) TURNER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01264
 17-cv-3977 - N(5) LOCKE ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01265
 17-cv-3978 - N(5) NIXON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01268
 17-cv-3979 - N(5) MARBURY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01269

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MDL No. 2740 Schedule A Continued

District of Delaware (Cont.)

17-cv-4008 - N(5) MULLINS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01270
17-cv-4009 - N(5) MYRICK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01271
17-cv-4010 - N(5) TUCKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01272
17-cv-4011 - N(5) NATION v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01273
17-cv-4012 - N(5) NEMEC v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01274
17-cv-4013 - N(5) TOLBERT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01276
17-cv-4014 - N(5) NEVELS, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01277
17-cv-4015 - N(5) TIMBERMAN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01278
17-cv-4016 - N(5) SELF v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01284
17-cv-4017 - N(5) SMITH v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01286
17-cv-4018 - N(5) THOMAS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01287
17-cv-4019 - N(5) SPENCE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01288
17-cv-4020 - N(5) THOMAS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01289
17-cv-4021 - N(5) STEWART v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01290
17-cv-4022 - N(5) TENORT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01291
17-cv-4023 - N(5) STONE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01292
17-cv-4024 - N(5) TAYLOR v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01293
17-cv-4025 - N(5) TAYLOR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01294
17-cv-4026 - N(5) TAYLOR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01295
17-cv-4027 - N(5) TAYLOR v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01296
17-cv-4028 - N(5) STROTHER, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:17-00012

Eastern District of Missouri

17-cv-4030 - N(5) VINSON, ET AL. v. SANOFI S.A., ET AL., C.A. No. 4:16-02137